

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR227
)	
vs.)	ORDER
)	
DANIEL RODGERS,)	
)	
Defendant.)	

This matter is before the court on the motion to continue trial by defendant Daniel Rodgers (Rodgers) (Filing No. 40). Rodgers seeks a continuance of the trial to a date after October 3, 2005. Defense counsel represents to the court that counsel for the government has no objection to the extension. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Rodgers' motion to continue trial (Filing No. 40) is granted.
2. Trial of this matter is re-scheduled for **October 3, 2005**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 3, 2005 and October 3, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).
3. Since Rodgers is presently in the custody of Colorado state authorities, counsel for the government shall initiate such action as is necessary to procure Rodger's presence for further proceedings in this matter.

DATED this 3rd day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge